

Avoiding Racial Conflict:

A Guide for Municipalities

Acknowledgements

This publication is the product of a Municipal Civil Rights Policy Task Force established by Mrs. Grace Flores Hughes, Director, Community Relations Service, and U.S. Department of Justice. The Task Force was aided by a Review Committee, which included scholars, law enforcement experts, community leaders, and elected municipal officials.

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Boston, Massachusetts

Foreword

The images and attitudes that form the atmosphere of the neighborhoods and communities in which we grow up affect our lives in pervasive and long-lasting ways. I recall a happy childhood in the small community of Taft, Texas, where I was born and raised; yet I also recall the racial separation which pervaded my community and the impact that had on me as an individual. I vowed at a relatively young age to do whatever I could to fight discrimination in whatever role I might play in adult life.

It makes me especially proud to head the Community Relations Service (CRS), an agency mandated by the Civil Rights Act of 1964 (42 U.S.C. 2000g) to "provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin."

In carrying out that mandate, CRS works with local government officials and community leaders to promote positive relations among diverse groups and bring disputes to the negotiating table early, thus preventing or precluding more costly Federal intervention such as investigation, litigation, or prosecution.

Drawing on nearly three decades of experience in helping resolve community conflict through non-coercive, third-party intervention, CRS offers this *GUIDE* which is designed to aid municipalities to protect citizen rights and promote community tolerance and understanding.

These guidelines are presented to help communities implement mechanisms and procedures that will enable them to resolve conflicts before they escalate into major disturbances. CRS offers further assistance upon request through its regional offices in Atlanta, Boston, Chicago, Dallas, Denver, Kansas City, New York, Philadelphia, San Francisco, and Seattle.

Grace Flores Hughes
Director

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Introduction

In the last half-century major strides have been made in the nation's struggle to address issues that create racial conflict. The judicial system has affirmed constitutional guarantees for equal rights and equal protection for all people. Other advancements include the enactment of Federal civil rights laws, establishment of Federal agencies to enforce and protect civil rights, the increasingly active role of states and municipalities to protect civil rights and resolve racial conflict, and a general increase in tolerance on the part of the average American citizen.

Despite these changes over the past several decades, racial and ethnic tension still arises. When it does, it undermines the strength and unity of the affected community.

The Community Relations Service (CRS), U.S. Department of Justice, has been charged by the Congress to be the principal Federal agency to address racial and ethnic conflict in the United States. Over the past three decades CRS has been the Federal government's racial troubleshooter, devoting its energies and resources to providing assistance to communities and individuals in resolving disputes, disagreements, or difficulties relating to discrimination based on race, color, or national origin. CRS focuses on preventing and/or resolving interracial confrontation and hate violence by assisting local jurisdictions in responding to riots, demonstrations, or civil disorder and assisting local law enforcement agencies to improve their service and relations with minority communities.

This brochure, "Avoiding Racial Conflict: A Guide for Municipalities," is drawn from CRS' extensive experience with local governments. Predicated on the constitutional and statutory requirements of governments to protect civil rights and the accompanying obligation to promote good race relations, the brochure is intended as a guide for local government officials and community leaders to use as they examine the nature of race

relations in their community and the measures that can be utilized to both protect the rights of citizens and promote an environment of tolerance, understanding, and harmonious racial and ethnic relations. The suggestions in this publication are not mandatory, of course, but they reflect what are, in CRS experience and judgment, useful ways that local governments can play an active role in easing and preventing racial and ethnic tension.

Conceptual Framework for Racial Disorders

The CRS approach to measuring tension and civil disorder risk levels has been developed over nearly three decades of experience in helping communities avoid, resolve, and recover from racial tension and violence.

Almost all communities are comprised of more than one racial or national origin group. This is a great source of national strength. Yet, out of this cultural diversity, antagonism can sometimes surface between groups or between groups and their government. Occasionally, unabated antagonism will grow to the point of serious community disorder. A serious dispute or disturbance can develop when a particular group within a given community feels that its rights have been abridged or its cultural needs and interests have been neglected, ignored, or rebuffed.

CRS experience indicates that outbreaks of civil disorder may be attributed to the existence of two volatile community dynamics known to create extraordinary tension and a triggering incident.

Community Dynamics

Community Dynamic 1:

Perceived Disparity of Treatment

The first community dynamic is a perception that severe inequities exist in certain areas of the social structure. Manifestations of this include: a) a minority group which believes that its rights are being neglected or violated; b) non-minorities who perceive that minorities have received social benefits at their expense; and c) hate groups that press for their superiority over other groups or races.

Community Dynamic 2:

Lack of Confidence in Redress Systems

The second community dynamic is the lack of group confidence in the interest or capability of government and other institutions to provide redress of grievances. If a group believes its rights are being abridged, the expected response from government is a critical factor in how the grievance is resolved. The perception that government or other institutions are unwilling or unable to respond effectively to the complaint aggravates the tension level.

Triggering Incidents

A triggering incident is a tension-heightening event that catalyzes discontent and turns it into civil disorder.

When one or both community dynamics indicate that a high level of tension exists, a volatile atmosphere marked by frustration and anger may develop. Common to this kind of environment are displays of antagonism, acts of exclusion, and displays of lack of respect for a particular race or group(s) of people that, at times, include instances of physical confrontation. These public displays of superiority, antagonism, and sometimes confrontation are tension-breeding incidents with the potential of becoming triggering incidents, since any one of them is capable of sparking social disorder.

When indicators of tension are extremely high, any rancorous encounter between groups and/or with the police has the potential of becoming a triggering incident that can spark disruption.

Prescriptive Model for Communities to Avoid Racial Conflict

Overview

The preferable course of action or practice for avoiding racial conflict is to avert discriminatory acts in the first place. Failing that, the priority initiative is to resolve immediately a complaint or disagreement at the local government level before it reaches the point of violence or costly litigation. Currently, the Federal and state government and/or the courts, through administrative and legal processes handle most redress for abridgment of a person's civil rights. Unfortunately, there are cities, counties, and public institutions that do not attempt to conciliate or mediate charges of discrimination before costly litigation ensues. In many instances, they have a tendency to take too long to address the issue, allowing community tension to rise before taking serious steps to resolve a problem.

Proactive Efforts

Given the heavy costs of current litigation, however, there is an emerging pattern by local governments to work diligently toward identifying and curtailing all practices and policies that form the basis for acts of discrimination. Some cities--rather than face Federal or state court orders or penalties redressing inequitable treatment of persons in matters of employment, representation in government, housing, or access to education--are promulgating ordinances and administrative policies that not only prohibit unlawful discriminatory acts, but also punish the offending officials. In those cities that have instituted their own redress systems, swifter and less costly processes for resolving most charges of discrimination have resulted.

CRS case experience indicates that citizens are particularly sensitive to selective treatment in acquiring housing, employment, education for themselves and their children, access to public accommodations, and opportunities to improve their economic conditions.

The treatment afforded to them by the local judicial system and the level of fairness of a government's redress system in the distribution of its services, benefits, and equal representation, are valued priorities of both new citizens coming to a community, and those already residing therein. It is critical that government displays a commitment to evenhandedness in the treatment of all persons, ensuring that no group is treated with preference over another. Only when a government demonstrates a high regard for the civil rights of its citizens, can it expect to receive a high degree of participation, cooperation, and confidence from all citizens in seeing to it that the community continues to thrive and to prosper in all aspects and in all neighborhoods.

Use of Penalties

Flowing from the framework of three levels of government -Federal, State, and local - is the axiom that power can be delegated to those entities through the various constitutions, charters, rules, and regulations of the higher body of government. Also available to the various entities is their own inherent power provided by their own constitutions, charters, or ordinances.

Many officials either are not fully aware of these delegated and inherent powers or may not be utilizing them to the fullest extent. CRS recommends that municipalities assess their powers with a creative focus toward positive compliance with equal opportunity laws. Many cities have found that they have been able to facilitate compliance through consistent application of sanction powers given them through existing statutes. In other cases, additional ordinances or mechanisms can be established through existing powers that further enhance the ability of the municipality to resolve racial conflict.

Based on its charter, constitution, or Federal law a municipality may have the power to:

- ☐ Improve specific conditions through charter-granting powers.
- ☐ Enact ordinances to insure equal opportunity.

- Encourage compliance with equal opportunity statutes and federal law by:
 - imposing fines or penalties when ordinances are violated,
 - reviewing licenses or privileges,
 - reviewing tax exempt status,
 - reviewing licenses to do business within the municipality, and
 - providing incentives or awards.

Ordinances and Policies

The commitment of local governments to protect civil rights and promote harmonious race relations can be manifested in the enactment of ordinances and the promulgation of policies. Municipalities may therefore wish to consider enacting the following types of ordinances if they do not currently exist. In addition, each municipal department may wish to promulgate policies, procedures, and programs to implement the commitment of the municipality to ensure a comprehensive management system for the enforcement and protection of civil rights.

Civil Rights Ordinance

Each municipality may wish to adopt a general ordinance outlining its commitment to positive race relations as a high priority. Among the elements this ordinance might include are:

- The requirement that each municipal department develop its own policy and program regarding positive race relations in conformity with the municipal policy.
- A section on sanctions, i.e., a policy statement describing municipal sanctions (both monetary and disciplinary) that will be enacted against violators.
- An outline of the various measures the municipality will take to assure positive race relations.
- A provision for performance incentive awards to municipal department heads for fostering harmonious race relations.
- A provision for municipal awards ceremonies to honor public and private achievements in race relations.

Human Relations Commission Ordinance

Each municipality may wish to enact an ordinance establishing a Human Relations Commission (HRC) as the central instrumentality to monitor the municipality's commitment to equal rights and assure its conformity with the Constitution and Federal and state civil rights laws while at the same time promoting the goals of equality, justice, and harmony. While circumstances vary, there are several factors that the Community Relations Service has identified as important for the success of a municipal human relations commission. Human relations commissions which have become inactive or moribund could be reenergized by the in-depth consideration of these factors:

- **Mission:** The HRC is the principal municipal instrumentality to protect and safeguard civil rights and to promote harmonious race relations.
- **Mission Statement:** The HRC ordinance should spell out in specific terms the policy, responsibility, powers, and duties of the HRC including sanctions and other penalties for violation of the ordinance.
- **Budget:** The HRC should have adequate funding from either local governmental appropriations or from an assured source of nongovernmental support, to enable it to accomplish its mission. Resources should support staff, facilities, equipment, and operational costs, as needed, based on the size of the commission and the scope of its work.
- **Professionalism of the Staff:** The professional skills of the staff, especially those of the executive director, are critical to the success of the HRC. The executive director should have strong leadership, management, interpersonal, and communication skills. Staff should have good organizational, interpersonal, and communication skills in addition to the expertise or knowledge required for carrying out their specific duties.

- ❑ Interaction with Community and Political Leaders: To be effective, the HRC must work closely with local community activists, political leaders, and elected officials.
- ❑ Support from the Aggrieved Community: The HRC must be seen as a resource and as a partner in addressing the civil rights problems of the aggrieved community.
- ❑ Problem Identification: The HRC must conduct ongoing outreach to the entire community, including both the minority and non-minority communities, to identify accurately and examine effectively the major problems and issues of discrimination.
- ❑ Mission Workplan: The HRC workplan is the creative, functional process that carries out the mission of the HRC in a task-oriented manner and that ensures accountability between the HRC and the community.
- ❑ Support from the Community at Large: Various sectors of the community can be helpful to the HRC in carrying out its mission, including: academic, civic, religious, business, labor, and philanthropic.
- ❑ Publicity: The HRC should inform the public about positive human relations developments and its own proactive efforts within the community. This can be done through newsletters, public service announcements on local radio and television, regular interaction with local and regional media, co-sponsorship of forums or seminars within the community, and other means.
- ❑ Avoidance of Internal Disputes: Too often internal contentiousness or disagreement destroys the effectiveness of HRCs and similar bodies; a work agenda that conforms to the HRC mission and to the accomplishment of the workplan can avoid this.

Hate Activity Ordinance

A municipality can further demonstrate its concern about the safety and security of its citizens by establishing an ordinance against hate crime activity. Hate Crimes are described as 'crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity' in the Hate Crimes Statistics Acts of 1990.

A municipality may wish to:

- ❑ Establish an ordinance against hate activity modeled on any existing hate crime law which may be in effect in that state.
- ❑ Develop public service announcements and local information campaigns to inform community residents about hate crime.
- ❑ Develop a local coalition to counter hate activity involving all segments of the community such as police, educators, clergy, business people, human relations specialists, adults, and young people.
- ❑ Establish a local hotline for reporting hate or bias activity. Data collected by such units can aid local officials in measuring trends and in enforcing civil rights protections for all members of the community.

Fair Housing Ordinance

Each municipality may wish to pass a fair housing ordinance mirroring Title VIII of the 1968 Civil Rights Act (42 U.S.C. 3601-3631, et. seq.) which cites the specific rights and remedies provided under the Act. Cities which pass their own municipal ordinances based on Title VIII can then be eligible to receive a "substantial equivalent" determination from the U.S. Department of Housing and Urban Development (HUD). Municipalities that receive such determination have the right to adjudicate local fair housing complaints that would otherwise be subject to the jurisdiction of HUD. In any event, municipalities may wish to pass fair housing ordinances prohibiting discrimination in the following activities:

- ❑ The marketing of housing (including publicly assisted housing).
- ❑ The sale, purchase, or rental of housing.

- ☐ The financing of housing.
- ☐ The provision of brokerage services.

Business Ordinance

Policies and procedures can be developed and prominently displayed in all appropriate offices, ensuring that all entities doing business with the local government will be required to comply with all aspects of the municipality's commitment to fairness and equal opportunity. Each entity doing business with the local government could be required by ordinance to do the following:

- ☐ Promote nondiscrimination in the workplace.
- ☐ Promulgate and post equal opportunity policies.
- ☐ Require all subcontractors to comply with the same requirements as primary contractors.

Voting Rights Ordinance

Municipalities should ensure that all citizens eligible to vote are given equal opportunity to exercise that right. While it is, of course, unnecessary to duplicate the Federal statutes and regulations in this area, consistent with those laws, ordinance in this area could:

- ☐ State the city's commitment to fairness.
- ☐ Be posted prominently at all polling places.
- ☐ Require those polling places be located at sites convenient to all citizens.
- ☐ Require efforts to remove voting barriers that may exist due to language differences.
- ☐ Require that municipal voting districts be consistent with Federal laws, especially when redistricting is required.

Representation on Boards and Commissions

Municipalities should assure that all members of the community are ensured access to full participation in the life of the municipality, including equal opportunity for minorities and non-minorities to be represented on appointed boards and commissions. To do this, an ordinance can be passed stating the policy of the municipality to require nondiscrimination in appointments to each board and commission. This ordinance could require:

- ☐ The listing of all municipal boards and commissions to which appointments are made.
- ☐ An outreach effort to all racial and ethnic groups seeking nominations for board or commission appointments.
- ☐ Assignment of coordination and oversight responsibility to a particular municipal official or agency to ensure compliance with anti-discrimination and other applicable municipal civil service requirements.

Municipal Departments' Policies and Programs

Each municipal department serves the public and needs to adopt its own internal and external programs and procedures to carry out the department's policy. While the general municipal ordinance should articulate the broad policy of the municipality regarding civil rights and race, it might also require each municipal department --such as the police department and the public schools--to develop its own policy, procedures, and programs related to civil rights protection and promotion. It may be helpful to have each department's policy, procedures, and programs reviewed by the HRC as to adequacy and conformity with the municipal policy. Careful attention should be given to certain municipal departments, namely, the police and the schools.

Police Department

The police department's policy may include: a statement of the municipality's commitment to giving high priority to civil rights and to harmonious race relations both within the department and in the department's dealings with the public; a statement of sanctions, both criminal and disciplinary, that will follow infractions of this policy; and descriptions of procedures and programs to improve police/minority relations. Because of the police department's central role in responding to civil disorders, special attention should be given to the police department both in its internal oper-

ations and policies and in its external dealings with the public.

Policing as an Institution

Growing numbers of police departments throughout the country have adopted one or more of the following policies, procedures, or programs in order to improve race relations, to prevent racial conflict, and to manifest the department's commitment to nondiscrimination:

- ☐ Development of a set of values that undergird modern policing.
- ☐ Updating of policies and procedures regarding the critical situations that lead to police/citizen violence.
- ☐ Establishment of a racial-bias unit in large cities to investigate and respond to racial-bias crimes.
- ☐ Establishment of a civil rights office in smaller municipalities.
- ☐ Promulgation of procedures for public accountability in policing work. Such procedures might address police response time, disposition of citizen complaints or grievances, and other issues of common concern.
- ☐ Opportunities for initial and in-service training in civil rights.

Police-Community Relations

The Community Relations Service recommends that police departments adopt the community partnership concept as a value translated into procedures and programs including, but not limited to, the following:

- ☐ Standing police/community relations committees or boards with advisory responsibilities on civil rights and race relations matters.
- ☐ Inclusion of all groups in the community in the development of programs and policing activity initiatives affecting residents, such as drug enforcement, high crime area policing, public housing policing, gang control, and similar problems ("Community Policing").
- ☐ Regular public accountability sessions with all racial and ethnic groups in the community.
- ☐ Procedures regarding relations with other municipal departments, civil rights agencies, and local civic or social organizations. These might include police/school relations, police/youth commissions, and other relations.

Schools

Even in those jurisdictions where school boards may be separate government entities, they are not exempt from civil rights responsibilities. Like the police department, the school board may wish to consider adopting a policy that mirrors the municipality's commitment to giving high priority to civil rights and to harmonious race relations both within the schools and in the board's dealings with the public. The school board should also address the necessary internal and external programs and procedures to make the policy effective. Special attention should be given to such programs or procedures as:

- ☐ Parent/student councils at each school.
- ☐ A comprehensive management system that includes in-service training for teachers, outreach programs to parents and the community at large, and a police/school cooperation agreement.
- ☐ Agreements or memoranda of understanding with other municipal agencies or departments and other organizations to address collectively the problems that impair effective education such as: hostility surrounding racial diversity; dropout rates, causes, and prevention; or health issues such as AIDS, teen suicide, teen pregnancy, and substance abuse.

Other Municipal Departments

Several additional municipal departments are responsible for programs that have historically generated complaints about fairness, equity, and responsiveness. Such municipal departments as public works, hospitals, sanitation, licensing, real property, assessing, planning, and recreation

require special attention to ensure that the policy, programs, and procedures of the department protect the rights of all persons, punish deviant behavior, and promote activities to prevent racial problems, especially in dealing with those "at risk" issues, handled by a particular department.

A Final Caveat

Just as local governments must be sensitive to matters that have the potential for racial or ethnic conflict, they must also be wary of creating or encouraging racial or ethnic issues where none exist. Not every multiethnic community is ready to explode; not every dispute between individuals of different races is a racial dispute; and not every police incident is a potential riot.

In implementing the suggestions of this GUIDE, local governments should not send the inadvertent message that every issue is a racial issue; rather, they should convey a healthy, positive concern for the well being of all residents.

CRS Assistance

The Community Relations Service offers its assistance to municipalities that wish to implement the guidelines dealing with race, color, or national origin provided in this brochure. CRS will make available sample ordinances and policies to serve as models for municipalities wishing to develop their own.

CRS also has developed a number of more detailed publications on several of the issues contained herein, including: "Principles of Good Policing: Avoiding Violence Between Police and Citizens"; "Guidelines for Effective Human Relations Commissions"; "Police Use of Deadly Force: A Conciliation Handbook for Citizens and the Police"; "Management System for School Disruption and Violence"; and "School Disruptions: Tips for Educators and Police * "

In addition, CRS will identify other municipalities, groups, or organizations which could be of assistance to any municipality interested in developing a comprehensive structure to avoid racial or ethnic conflict.

Regional Offices

Region I (New England)
(ME, VT, NH, MA, CT, RI)
Room 1192
10 Causeway Street
Boston, MA 02222-1032
617-565-6830
FTS 835-6830

Region II (Northeast)
(NY, NJ, VI, PR)
Room 3402
26 Federal Plaza
New York, NY 10278
212-264-0700
FTS 264-0700

Region III (Mid-Atlantic)
(PA, WV, VA, MD, DE, DC)
Room 309, Custom House
2nd and Chestnut Streets
Philadelphia, PA 19106
215-597-2344
FTS 597-2344

Region IV (Southeast)
(NC, SC, KY, TN, MS, AL, GA, FL)
Room 900
75 Piedmont Avenue, N.E.
Atlanta, GA 30303
404-331-6883
FTS 841-6883

Region V (Midwest)
(IL, OH, MI, IN, WI, MN)
Room 1113
175 West Jackson Street
Chicago, IL 60604
312-353-4391
FTS 353-4391

Region VI (Southwest)

(TX, OK, AR, LA, NM)
Room 13B35
1100 Commerce Street
Dallas, TX 75242
214-767-0824
FTS 729-0824

Region VII (Central)
(MO, KS, NE, IA)
Room 2411
911 Walnut Street
Kansas City, MO 64106
816-426-2022
FTS 867-2022

Region VIII (Rocky Mtn.)
(CO, WY, UT, MT, SD, ND)
Room 650
1244 Speer Boulevard
Denver, CO 80204-3584
303-844-2973
FTS 564-2973

Region IX (Western)
(CA, HI, AZ, NV,
Pacific Territories)
Room 1040
211 Main Street
San Francisco, CA 94105
415-744-6565
FTS 484-6565

Region X (Northwest)
(AA, OR, ID, AK)
Room 1898
915 Second Avenue
Seattle, WA 98174
206-442-4465
FTS 399-4465

Field Offices

Miami Field Office
Room 424
51 S. W. First Ave.
Miami, FL 33130
305-350-4262
FTS 350-5206

Houston Field Office
Room 12605
515 Rusk Ave.
Houston, TX 77002
713-229-2861
FTS 526-4861

Headquarters

5550 Friendship Boulevard
Room 330
Chevy Chase, Maryland 20815

Director's Office
301-492-5929*

Office of Administration
301-492-5995*

Detroit Field Office
Room 608
231 W. Lafayette Blvd.
Detroit, MI 48226
313-226-4010
FTS 226-4010

Office of Technical Assistance and Support 301-492-5969*

Office of Planning, Budget, and Evaluation 301-492-5900*

Immigration and Refugee Affairs
301-492-5818*

* Commercial and FTS telephone numbers are the same.

**To report incidents of racial
harassment and hate violence
and to request assistance, call
the national toll-free hotline at**

1-800-347-HATE.